

CHAPTER 35: AFFIRMATIVE ACTION PROGRAM

SECTION

35.01	Purpose
35.02	Goals
35.03	Objectives
35.04	Policy
35.05	Responsibility for Implementation of Policy
35.06	Dissemination of Policy
35.07	Grievance Procedure
35.08	Recruitment
35.09	Training Programs and Advancement Opportunities
35.10	Conclusion

35.01 PURPOSE

The Affirmative Action Program for the city is designed to insure that every good faith effort is made to provide equal employment opportunity (EEO) to all existing employees and all potential employees. (Res. 15-1977)

35.02 GOALS (Ord. 63-2000)

It shall be the goal of the city to practice EEO procedures at all levels of government and government activity. These measures of affirmative action shall extend into contracts with contractors, subcontractors, vendors, and all those who deal with the city where such practices are applicable. It shall be the goal of the city to make known its affirmative action policies to its employees, local citizenry, business, religious, and social community, and all others who have contact with the local city government.

35.03 OBJECTIVES (Ord. 63-2000)

- (a) Formalize city policies, practices, and procedures for hiring, promotion, transfer, training, compensation, benefits, layoff and recall, and all other equal employment opportunities to which each individual is entitled.
- (b) Identify areas of employment in which minorities and women are underutilized and to seek improving utilization of minorities and women in these areas.
- (c) Establish realistic hiring goals to correct areas of underutilization. Hiring goals shall reflect a sincere effort to utilize minorities and women in all levels of government employment on the basis of skill and ability and without regard to race, creed, color, sex, age, disability or national origin.

- (d) Conduct a yearly audit of the employees working in city government which will identify the minority and female employment ratios, job levels of employment of minorities and females, and rates of compensation of minorities and females in comparison to city-wide employment rates of compensation.
- (e) Make available to all departments and their employees information concerning the Affirmative Action Program of the city.
- (f) Assist all employees and applicants working for or seeking work with the city with any problems that relate to EEO. (Res. 15-1977)

35.04 POLICY (Ord. 63-2000)

- (a) It is the policy of the city to provide EEO to all persons without regard to their race, creed, color, sex, age, disability or national origin, and to promote the full realization of EEO through a positive and continuing program. The city shall enact policies which reflect compliance to Title VII of the Civil Rights Act of 1964, Age Discrimination Employment Act of 1967, The Equal Pay For Equal Work Act, Americans with Disabilities Act and Executive Orders 4141 and 11246, which eliminate any and all restrictions, if any, based on race, color, religion, sex, age, disability or national origin with respect to recruiting, hiring, training, compensation, overtime, job classifications and assignments, working conditions, promotions, transfers, employee treatment, and any other aspects of employment. This policy will apply to all departments, boards, districts and agencies of the City of Richmond.
- (b) It is the intent of the city in the implementation of this policy to provide opportunities for minorities and females at all job levels through upgrading and recruiting actions. Furthermore, it is the city's policy to coordinate the Affirmative Action Program in such a manner as to encourage all employees, including minority and female employees, to advance to their fullest potential.
- (c) It shall be the policy of the city to make known its Affirmative Action Program to all those who deal with the city. (Res. 15-1977; Ord. 1-1985)
- (d) The City of Richmond, including its departments, boards, districts, and agencies shall also not discriminate on the basis of race, color, national origin, sex, religion, age and handicapped status in the providing of services. (Ord. 1-1985)

35.05 RESPONSIBILITY FOR IMPLEMENTATION OF POLICY (Ord. 63-2000)

The Director of the Human Right Commission (unless a specialized appointment is made by the Mayor) shall be responsible for the implementation of the city's Affirmative Action Program and the direction of the city's EEO Program (also known as "EEOC Compliance Officer"), his or her responsibilities will include:

- (a) Coordinating compliance with the requirements contained herein and in any federal agency regulations.
- (b) Updating the Affirmative Action Program of the city from time to time with regard to federal and state laws and Executive Orders.
- (c) Developing external and internal communications to inform city employees and the community of the Affirmative Action Program .
- (d) Assisting department administrators and contractors with the City in achieving EEO for all persons.
- (e) Assisting in the identification of problem areas of employment concerning minorities and women.
- (f) Designing and implementing a breakdown of minorities within the city staff by job titles.
- (g) Serving as liaison between the city and enforcement agencies, minority organizations, and community action groups.
- (h) Keeping department heads, contractors, and subcontractors, informed of the latest developments in EEO issues which affect this Affirmative Action Program. (Res. 15-1977)
- (i) Implementing social awareness programs for city employees consistent with the goals of this Chapter.

35.06 DISSEMINATION OF POLICY (Ord. 63-2000)

- (a) The city's EEO policy is communicated to all departments, agencies, and shall be available upon request to all contractors involved in work for the city. Nondiscrimination policy statements shall be required in all contracts entered into by the city involving expenditures of \$2,000 or more. In addition, any contractor bidding upon a City contract involving more than \$25,000 shall supply with its bid a written statement showing the makeup of the employee workforce which includes the number of minorities and women compared with all employees. An annual statement showing such information shall meet this requirement.
- (b) Posting of EEO literature on bulletin boards in the city departments shall be done so that employees of the department and those entering the department for the purpose of assistance or information shall be informed of the EEO policy of the city. Copies of the city's Affirmative Action Program shall be kept on file in the City Clerk's office for the benefit of the general public. Each department shall

maintain a copy of the city's Affirmative Action Program for the benefit of the department, its employees, and all those who deal with the department.

(c) A statement of the city's EEO policy shall be disseminated to commissions, agencies, community action groups, and all other organizations conducting training and hiring programs, and other related groups where minorities might be solicited for employment and informed of employment opportunities.

(d) All contractors, except those exempted by federal regulations, shall abide by Public Law 90-448, 90th Congress, S. 3497 enacted August 1, 1968, which insures that, when feasible, local low-income project residents shall be hired if additional employment is required for the federally-funded project and, when feasible, materials for the federally-funded project shall be procured locally, using small business and minority businesses. Compliance statements in regard to Section 3, employment of low-income project residents and procurement of materials from local business, shall be required of all non-exempt contractors.

The city incorporates these requirements into its Affirmative Action Program so that its citizens may be aware of such EEO procedures from which they may benefit.

(e) EEO posters shall be displayed on all construction sites in which the city contributes funding. [Records of employment and employment practices of contractors and subcontractors shall be subject to review by the city to insure that the affirmative action policies of the contractors and subcontractors are being followed and that the rights of its citizens are being projected in regard to EEO.]

35.07 GRIEVANCE PROCEDURE (Ord. 63-2000)

The Grievance Procedure which is adopted as part of the City Employee Personnel Policy shall be used for any grievance filed according to the terms of this Chapter, provided, any grievance involving this Chapter must include review by the EEOC compliance officer as described above.

35.08 RECRUITMENT (Ord. 63-2000)

(a) One of the first city duties in establishing an equitable Affirmative Action Plan is to establish a policy of recruiting from the ranks of city employees qualified persons to fill openings, new job positions, and vacancies, which arise due to terminations, retirement, and promotions. Work records and qualifications of employees shall be reviewed when openings and vacancies occur. This shall

insure that a system of upgrading job positions and assisting an employee to utilize his abilities to the fullest shall be employed by the city. Qualified persons employed by the city will be given the opportunity to apply for positions of advancement. The city shall endeavor to assist employees, especially minorities and females, in advancing to positions which utilize their fullest skill, ability, and training.

(b) Whenever employment opportunities arise, the positions shall be made known to the public through advertisement reaching all segments of the community, including newspapers, radio, internet and cable television.

(c) Agencies and community action groups interested in the employment of minorities and females shall be contacted concerning the availability of employment with the city. Referrals from such agencies and commissions shall be kept on file with all applications for employment and systematically reviewed when new openings or positions become available.

(d) Schools, colleges, civil rights organizations, community leaders, and recognized minority social and religious groups interested in the employment problems of local citizens, especially minorities and females, shall be contacted, when employment opportunities arise.

(e) The city shall work with the local school administration in encouraging programs which can assist in the advancement of young minority and female students. The city shall assist the local school administration by participation in all programs requested by the administration, such as periods during the year when students seek to work in government as a training source for future employment, and programs sponsored by civic groups or governmental organizations.

(f) Recruitment efforts for employees shall extend into all segments of the community and local citizens shall be recruited and employed without regard to race, creed, sex, color, religion, or national origin.

(g) All promotional materials or literature the city distributes locally or outside the city, if such materials consist of photographs, shall represent the demographics the city desires to achieve.

(h) The phrase "an EEO employer" will be used in all employment advertising. (Res. 15-1977)

35.09 TRAINING PROGRAMS AND ADVANCEMENT OPPORTUNITIES.

It is the goal of the city to establish training opportunities for all departments and employees of the city to assist qualified employees to pursue more knowledge and skills in order to achieve their fullest potential. Such opportunities must include having

eligible employees and Department Administrators attending conferences, workshops, and training sessions which relate to their work. The training assistance would extend into assisting qualified employees in pursuing more knowledge and skill in their job by attending institutions of higher learning. The courses must be job related and of a nature to upgrade the person in his position, abilities, or skills. This program must extend partial assistance to the employee to stimulate his interest in pursuing further knowledge of his job. This type program would benefit the public by offering better-qualified and skilled public servants to administer the local city programs. All training programs shall be offered with due consideration for the advancement of all current employees, including minorities and women.

35.10 CONCLUSION

The city pledges to support the Affirmative Action Program to the spirit and intent of its laws and commitments. The city shall insure EEO to all of its citizens without regard to race, creed, color, sex, religion, handicap, or national origin. The city shall update its Affirmative Action Program and policies as new affirmative action policies are instituted into law and new measures for providing better approaches to equal opportunities arise. Each City Department shall develop methods to implement the general goals and objectives contained herein and help assure compliance with all requirements of this Chapter. (Ord. 63-2000)